

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID CABELLO, :
Plaintiff, :
: :
v. : : CIVIL ACTION NO. 18-CV-3944

DEPARTMENT OF **FILED**
CORRECTIONS, *et al.*, OCT 04 2018
Defendants. :
By KATE BARKMAN, Clerk

Dep. Clerk
ORDER

AND NOW, this 3rd day of October, 2018, upon consideration of *pro se* Plaintiff David Cabello's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 5) and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C.

§ 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Mr. Cabello's claims against the Department of Corrections, the Department of Justice, Dr. Northrop, and the United States are **DISMISSED** with prejudice. Mr. Cabello's claims against "John and Jane Does, et al." are **DISMISSED** without prejudice to Mr. Cabello's right to amend, as set forth below.

Mr. Cabello's claims seeking intervention in any pending state and federal charges are **DISMISSED** without prejudice to Mr. Cabello's right to raise his arguments in any respective criminal and state proceedings.

4. Mr. Cabello is granted leave to file an amended complaint within thirty (30) days of the date of this Order in the event he can set forth a plausible claim for relief under 42 U.S.C. § 1983. Any amended complaint must identify the defendants in the caption in addition to the

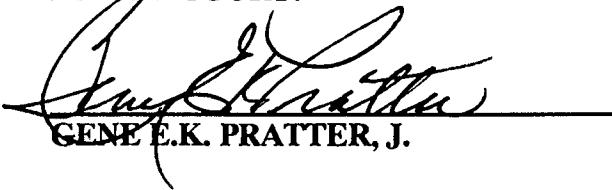
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body of the amended complaint, and shall specify how each defendant was responsible for violating Bridges' rights. Any amended complaint should not assert claims against the Department of Corrections, the Department of Justice, Dr. Northrop, and the United States. Any amended complaint should also not assert claims seeking relief in the form of intervention in any pending state and federal charges against Mr. Cabello. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

5. The Clerk of Court is **DIRECTED** to provide Mr. Cabello a blank copy of this Court's current standard form to be used by a *pro se* litigant filing a civil action bearing the above-captioned civil action number. Mr. Cabello may use this form to file his amended complaint.

6. If Mr. Cabello fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:



GENE E.K. PRATTER, J.